



City of Carmel

MINUTES
Carmel Board of Zoning Appeals
Regular Meeting
Monday, April 26, 2010
6:00 pm
Caucus Rooms

Present: James Hawkins, President
Kent Broach
Leo Dierckman
Earlene Plavchak
Madeleine Torres
Connie Tingley, Recording Secretary

Staff members in attendance: Christine Barton-Holmes, Planning Administrator
Rachel Boone, Planning Administrator
Mike Hollibaugh, Director, Department of Community Services

Legal Counsel: John Molitor

Previous Minutes:

On a motion made by Leo Dierckman and seconded by Earlene Plavchak:

The Minutes for the meeting dated February 22, 2010 were approved as circulated.

MOTION CARRIED UNANIMOUSLY

Department Report: Christine Barton-Holmes

- Recommended Item 1h, Meridian & Main and Items 2-8h, Home Place (The Monon Gardens) be withdrawn for lack of prosecution
- Items 20-22h, Convenience Centers 808 W Main withdrawn by Petitioner (no longer needed)
- Item 1i, 646 Johnson Drive Appeal tabled indefinitely

Motion: On a motion made by Leo Dierckman and seconded by Earlene Plavchak:

Item 1h, Meridian & Main and Items 2-8h, Home Place (The Monon Gardens) be withdrawn.

MOTION CARRIED UNANIMOUSLY

Legal Report: John Molitor

- Item 1i, 646 Johnson Drive Appeal at Plan Commission
 - Some discussions between attorneys and depositions taken
 - May be resolved by end of summer
- American Tower Company litigation
 - No activity; nothing to report

- Subject to dismissal if no action taken within 60 days for failure to prosecute
- Will make recommendation next month

Public Hearing:

1h. Meridian & Main WITHDRAWN

The applicant seeks the following development standards variance approvals and use variance approval:

Docket No. 09050012 V 23B.08.03.A.1 Building height under 26'/one occupiable floor

The site is located at 1440 Main Street West and is zoned B6 within the US 31 Overlay.

Filed by Joseph Scimia of Baker & Daniels and James Browning of Browning Investments for Meridian 131, LLC.

2-8h. Home Place, Lots 26,26,40,47,48,100 (The Monon Gardens) WITHDRAWN

The applicant seeks the following use variance and development standards variance approvals:

Docket No. 09110001 UV Section 9.01.01: permitted uses; to permit multi-family uses on multiple lots

Docket No. 09110002 V Section 9.04.03.F: exceeding maximum 35% lot coverage per lot

Docket No. 09110003 V Section 9.04.03.D.1: reducing rear setback from 20' to 5' & 10' per lot

Docket No. 09110004 V Section 9.04.03.G: minimum ground floor area, 800 s.f./dwelling

Docket No. 09110005 V Section 9.04.3.a: reducing front setbacks from 30' to 10' per lot per frontage

Docket No. 09110006 V Section 26.02.05: distance between multi-family buildings on same lot

Docket No. 09110007 V Section 26.04.06: reduction of perimeter bufferyards for overall development

The site is located near 10505 Cornell Ave. and is zoned R-3/Residence within the Home Place Overlay.

Filed by Scott Leopold of Leopold Building Group.

9-19h. Long Branch Market w/ Kroger (Altum's site)

The applicant seeks the following development standards variance approvals:

Docket No. 09110015 V Section 23C.03.B: maximum 75% gross floor area permitted for retail uses

~~**Docket No. 09110016 V Section 23C.08.02: maximum building setback from US 421 right of way**~~

WITHDRAWN

Docket No. 09110017 V Section 25.07.02-08.b: Frontage on a public street

Docket No. 09110018 V Section 25.07.02-08.b: three signs for a single tenant building (anchor tenant)

Docket No. 09110019 V Section 25.07.02-08.b: three signs facing west (anchor tenant)

Docket No. 09110020 V Section 25.07.02-08.c: maximum sign area (anchor tenant)

Docket No. 09110021 V Section 25.07.02-8.G: type of changeable copy for a sign

Docket No. 09110022 V Section 25.07.02-11.g: copy, multi-tenant building complex directory sign

Docket No. 09110023 V Section 25.07.02-11.d: maximum height of multi-tenant building complex sign

~~**Docket No. 09110024 V Section 23C.03.B: drive-thru location on buildings**~~ **WITHDRAWN**

~~**Docket No. 09110025 V Section 23C.14.07: perimeter fence design**~~ **WITHDRAWN**

The site is located at 11335 N. Michigan Rd. It is zoned B-3/Business and located within the US 421/Michigan Rd. Overlay Zone. Filed by Robert Barker of Zinkan & Barker Development Co., LLC.

Present for Petitioner:

Charles Frankenberger and Jon Dobosiewicz, Nelson & Frankenberger; Dan Dicioccio, Kroger and Bob Barker, Zinkan & Barker Development

Charles Frankenberger:

- Aerial photos of approximate 22-acre parcel shown
- Approvals received April 20, 2010 from Plan Commission for Development Plan, ADLS, and B-3 permitted uses pursuant to prior Zoning Commitments
- Only portion of parcel within US 421 Overlay Zone
- Site plan shown indicating Overlay Zone

- Proposed redevelopment plans reviewed by the Plan Commission documents in informational brochures
 - Substantial efforts by Plan Commission, Special Studies Committee, Dept. of Community Services and the public
 - Proposal unprecedented in building setbacks, bufferyards, use and lighting limitation, and restricted delivery hours; exceeding zoning requirements
 - Extensive buffering provided between site and nearby residential areas
 - All traffic and activity to side and back of grocery and shops screened by expansive setbacks, buffers and 10-foot wall

Jon Dobosiewicz:

- Informational packets with site development plan given to Board members
- Majority of presentation given to Plan Commission; which has two members on BZA
- 26 Commitments made to Plan Commission included in packet addressing the public's concerns (Tab 12)
- Kroger building approximately 85,000 square feet
- 14,400 square feet adjacent B shops
- Two outlots along Michigan Road would need future Plan Commission review
- Kroger fuel center adjacent to Michigan Road
- 10-foot decorative wall on mound between parcel and residential areas
- Building masonry all four sides with EFIS accents
- Fuel center canopy has no proposed signage; ground sign used for this site
- Commitments agree to extend Overlay over entire parcel with three exceptions:
 - Limit retail use on entire property to 98,000 square feet
 - Variance would allow shifting of this square footage into area allowing only 75%
 - Approximately 7350 square feet to be placed along Michigan Road away from residential areas
- All Kroger wall signs will be individual internally illuminated letters affixed to facade
- All wall signs directed toward Michigan Road; none facing adjacent residential properties
 - Closest residence more than 200 yards from signs
 - Obscured by wall and mound
- Three signs: Kroger, Pharmacy, Drive-thru
- Landscape plans along façade of building help obscure view from residential areas
- One-sided ground sign for fuel center will be located in island south of main entrance along Michigan Road, directed toward parking
- Variances to allow fuel pricing on sign with mechanical device to scroll fuel prices remotely
- Variance allows primary identification sign to be 9 feet in height along Michigan Road
 - Sign 8 feet in height with one-foot cap for aesthetic purposes

Public Hearing closed

Department Report:

Christine Barton-Holmes

- Flexibility for this site limited by committing to Overlay restrictions on entire parcel
- Over 75% retail, but less than 93%
- Intent of Overlay being met
 - Mix of uses not wholly dependent on retail

- Limit impact of retail center on adjoining uses, especially residential

Department recommended positive consideration of Docket 09110015.

Rachel Boone

- Three signs facing one frontage (west) common variances for buildings of this size and type
- Allowable 145 square feet signage appeared small on building for readability from Michigan Road
- 214.96 square feet signage proposed
- Directory sign used for gas prices instead of listing other buildings in the center
- Remotely operated sign good alternative for changeable copy; looks like other sign panels
- Support proposed complex sign height for beautification

Department recommended positive consideration of all variances, 09110017 through 09110023

Discussion:

- Commitments:
 - Section 2 Item D confirmed Exhibit C correct exhibit for adjoining parcel
 - Section 6 Item C each business owner in project responsible for maintenance of buffer
 - Section 5 Item E violations of Commitments will be enforced by City
- Path installed along Michigan Road
- Sidewalk between parcel and townhome area for convenience
- Variance for frontage on Michigan Road for Kroger and B Shops because of outlots along Michigan Road
- Mound with ten-foot wall entirely on the parcel and will be maintained on both sides by owners of center; access points around parcel

Motion: On a motion made by Leo Dierckman and seconded by Madeleine Torres:

Docket Nos. 09110015 V, 09110017-09110023 V, Long Branch Market w/Kroger (Altum's site) be approved for maximum 75% gross floor area permitted for retail uses and signage requests.
MOTION CARRIED UNANIMOUSLY

20-22h. Convenience Centers 808 W Main WITHDRAWN

The applicant seeks the following development standards and use variance approvals:

~~Docket No. 09120029 UV Appendix A: Use Table Gas station in OM/MU District:~~ APPROVED

~~Docket No. 09120030 V 25.07.02-14 LED ground sign~~ WITHDRAWN

~~Docket No. 09120031 V 25.07.02-09 Multiple signs per frontage~~ WITHDRAWN

The site is located at 808 West Main Street in the OM/MU District on 1.75 acres.

Filed by Eric Harvey of Tharp Investments.

I. Old Business

1i. 646 Johnson Drive Appeal TABLED INDEFINITELY

The applicant seeks the following permit issuance appeal:

Docket No. 09020014 Appeal Appeal of Permit No. 09010003 Accessory Structure Size

The site is located at 646 Johnson Drive and is zoned R1/Single-family residential

Filed by: Howard & Holly Green; John & Beryl Colosimo; James & Laura Dunn; Judy Wagner; and Michael & Susan Shaw, neighbors.

Adjournment


Motion: On a motion made by Madeleine Torres and seconded by James Hawkins:

The Meeting be adjourned.

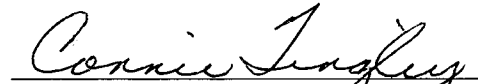
MOTION CARRIED UNANIMOUSLY

The meeting adjourned at 6:40 PM.

Approved this 24th day of May 2010.



President - James R. Hawkins



Secretary - Connie Tingley